

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SHAUNA WILLIAMS, et al.,

*Plaintiffs,*

v.

REPRESENTATIVE DESTIN HALL, in his  
official capacity as Chair of the House Standing  
Committee on Redistricting, et al.,

*Defendants.*

Civil Action No. 23 CV 1057

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NORTH CAROLINA STATE CONFERENCE OF  
THE NAACP, et al.,

*Plaintiffs,*

v.

PHILIP BERGER, in his official capacity as the  
President Pro Tempore of the North Carolina  
Senate, et al.,

*Defendants.*

Civil Action No. 23 CV 1104

**NOTICE OF ALL DEFENDANTS' CONSENT TO FILE  
NAACP PLAINTIFFS' FIRST AMENDED COMPLAINT**

NOW COME the NAACP Plaintiffs<sup>1</sup> to notify the Court that NAACP Plaintiffs hereby file by consent of Legislative Defendants<sup>2</sup> and State Defendants<sup>3</sup> a First Amended Complaint that voluntarily dismisses Counts 6, 8, and 9 with prejudice, removes certain Plaintiffs as previously noticed to the Court, conforms the allegations of districts in which NAACP Plaintiffs have standing members to the discovery produced, and makes other typographic corrections to the original Complaint, Docket Entry 1 in the consolidated matter No. 1:23-cv-01104. NAACP Plaintiffs file their First Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2), which permits a party to amend its pleading with the opposing party's written consent. NAACP Plaintiffs have appended to this Notice a redline version of the First Amended Complaint, as compared to the Complaint (Dkt. 1), for the Court's reference.

As relevant to this filing, NAACP Plaintiffs notify the Court of the following:

1. Legislative Defendants and State Defendants consent to the voluntary dismissal of NAACP Plaintiffs' Counts 6, 8, and 9 with prejudice, removal of deceased Plaintiff Hollis Briggs (Dkt. 96), removal of Plaintiff Joan Chavis (Dkt. 56), fixing the scrivener's error (Dkt. 57), changes conforming the allegations of districts in which NAACP Plaintiffs have standing members to the discovery

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<sup>1</sup> Plaintiffs North Carolina State Conference of the NAACP, Common Cause, Mitzi Reynolds Turner, Dawn Daly-Mack, Corine Mack, Calvin Jones, Linda Sutton, and Syene Jasmin.

<sup>2</sup> Defendants Destin Hall, Warren Daniel, Ralph E. Hise, Jr., Paul Newton, Timothy K. Moore, and Philip E. Berger.

<sup>3</sup> The North Carolina State Board of Elections Karen Brinson Bell, Jeff Carmon III, Stacy Eggers IV, Alan Hirsch, Kevin Lewis, Siobhan O'Duffy Millen, and the State of North Carolina.

produced, as well as to the minor typographical fixes in the First Amended Complaint and as reflected in the attached redline.

2. The Answers on file for Legislative Defendants and State Defendants are sufficient to preserve the defenses and denials for any amended complaints filed to remove the aforementioned counts and allegations, and Legislative Defendants and State Defendants need not file any renewed motions under Rule 12 or Rule 56 to preserve those defenses and denials, except that Legislative Defendants will oppose any motion for reconsideration filed by NAACP Plaintiffs;
3. The Court's April 8, 2025 Order on Legislative Defendants' Motion for Partial Summary Judgment and any subsequent modifications to that Order apply to the NAACP Plaintiffs' claims of malapportionment in violation of the Fourteenth Amendment as alleged in Counts 3 and 6 of the First Amended Complaint (previously Counts 3 and 7 of the initial Complaint).
4. Legislative Defendants and State Defendants agree they will not file any renewed motions under Rule 12 or Rule 56 in response to the First Amended Complaint, except that Legislative Defendants will oppose any motion for reconsideration filed by NAACP Plaintiffs;
5. In lieu of seeking a substitution for Plaintiff Hollis Briggs, whose passing was noticed to the Court (Dkt. 96), NAACP Plaintiffs have supplemented their disclosures in this matter pursuant to Rule 26(e) with a replacement standing member of the NAACP residing in Senate District 8, along with that standing

member's voting records. Legislative Defendants and State Defendants will not object to the timeliness of the disclosure, but reserve all objections to the admissibility of that disclosure at trial;

6. Neither the filing of NAACP Plaintiffs' First Amended Complaint nor the supplemental disclosure of a standing member in Senate District 8 is cause to delay or alter the June 16, 2025 trial, or any other deadline, set in this matter.

Dated: April 22, 2025

Respectfully submitted,

*/s/ Hilary Harris Klein*

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Hilary Harris Klein

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\*Appearing in this matter by Special  
Appearance pursuant to L-R 83.1(d)

### **CERTIFICATE OF SERVICE**

I certify that on April 22, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Hilary Harris Klein  
Hilary Harris Klein